

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

EON STREAMS, INC.,)	
)	
Plaintiff,)	
)	
v.)	No. 3:05-CV-578
)	(Phillips/Guyton)
CLEAR CHANNEL COMMUNICATIONS,)	
INC.,)	
)	
Defendant.)	
)	

MEMORANDUM AND ORDER

This matter is before the undersigned pursuant to 28 U.S.C. § 636(b), the Rules of this Court, and by the Orders [Docs. 22, 43] of the Honorable Thomas W. Phillips, United States District Judge, for disposition of the following motions: Plaintiff's Motion to Strike Affidavits [Doc. 29] and Plaintiff's Motion in the Alternative for Leave to File Sur-Reply [Doc. 30].

On February 20, 2007, the Court, Plaintiff, represented by Martin Bailey, and Defendant, represented by Richard Goehler, convened a telephone conference to discuss a discovery dispute. All parties agreed that the dispute could be either remedied or ruled upon by the Court after the Court's issuance of an order on Defendant's pending Motion to Disqualify Counsel for Plaintiff [Doc. 20]. During the telephone conference, Plaintiff's pending motions to strike affidavits or for leave to file a sur-reply were also discussed. The Court issued an oral ruling, for the reasons stated to the parties during the conference. Accordingly, Plaintiff's Motion to Strike Affidavits [**Doc. 29**] is **DENIED**, and Plaintiff's Motion in the Alternative for Leave to File Sur-Reply [**Doc. 30**] is **GRANTED**. Plaintiff has up to and including **February 22, 2007**, to file the said sur-reply. All

other pending motions will be determined after the evidentiary hearing on **March 2, 2007, at 9:30**
a.m. before this Court.

IT IS SO ORDERED.

ENTER:

s/ H. Bruce Guyton
United States Magistrate Judge